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December 9, 2007

***VIA ECF AND FACSIMILE***

Michael Q. English, Esq.  
One Saint Andrew's Plaza  
New York, NY 10007

Re: *United States v. Mark Hart, et al.*,  
S2 07 Cr. 3 (BSJ)

Dear Mr. English:

This request is pursuant to Rule 16 of the Federal Rules of Criminal Procedure. I acknowledge that you have provided substantial discovery to date. This letter is intended to insure that, in conformity with Rule 16, we have requested various items of discovery that may be in the government's possession or control.

Our request for discovery and inspection relates to items in the possession, custody and control of the United States Attorney as well as federal, state and city agencies or governmental entities over which it has sufficient control to obtain access to materials possessed by such agency or entity. With respect to those items which we request, if the United States Attorney's Office does not have them in its possession, we ask for a statement to the effect that such items do not exist or are not in the possession of the United States Attorney. If the government is aware that a requested item exists, but does not have in its possession, we request the government disclose the whereabouts of the item. As used herein, the term "document" means any tangible thing containing, reflecting or capable of reproducing or have reproduced from it, visually or orally, language, numerals or pictures relating to referring to any manner to the allegations of the indictment and the matters referred to herein.

In conformity with the express language of Rule 16(a)(1)(A) we are specifically requesting that, as to Mr. Mark Hart, the government provide us with all oral and written statements made by Mr. Mark Hart, before and after his arrest, in response to any governmental interrogation, as required by Rule 16(a)(1)(A) and (B).

Pursuant to Rule 16(a)(1)(D), we request a complete criminal history for Mr. Mark Hart that is within the government's control, custody or possession – given the fact that Mr. Hart has been the subject of various police encounters that have not led to criminal charges (or have been dismissed and sealed in Bronx criminal court) we request you provide discovery beyond arrests documented in his “rap sheet.” We also request documents and objects that may be material to our investigation and preparation, all items the government intends to use at trial as well as items found and seized during all searches as required under Rule 16(a)(1)(E)(i),(ii) and (iii). Please contact me to arrange a time when I may be permitted to inspect any items of physical evidence in the government's possession.

To the extent applicable, we request the government provide copies of the results or reports of any physical or mental examination, or any scientific tests or experiment pursuant to Rule 16(a)(1)(F). With regard to expert witnesses, we request that the government provide us with any “written summary of testimony” as required under Rule 16(a)(1)(G).

We appreciate your prompt attention to this matter.

*Sincerely,*

Francisco E. Celedonio, Esq.